

1 AN ACT in relation to health.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 1. Short title. This Act may be cited as the  
5 Abuse Prevention Review Team Act.

6 Section 5. State policy. The following statements are  
7 the policy of this State:

8 (1) Every nursing home resident is entitled to live  
9 in safety and decency and to receive competent and  
10 respectful care that meets the requirements of State and  
11 federal law.

12 (2) Responding to sexual assaults on nursing home  
13 residents and to unnecessary nursing home resident deaths  
14 is a State and a community responsibility.

15 (3) When a nursing home resident is sexually  
16 assaulted or dies unnecessarily, the response by the  
17 State and the community to the assault or death must  
18 include an accurate and complete determination of the  
19 cause of the assault or death and the development and  
20 implementation of measures to prevent future assaults or  
21 deaths from similar causes. The response may include  
22 court action, including prosecution of persons who may be  
23 responsible for the assault or death and proceedings to  
24 protect other residents of the facility where the  
25 resident lived, and disciplinary action against persons  
26 who failed to meet their professional responsibilities to  
27 the resident.

28 (4) Professionals from disparate disciplines and  
29 agencies who have responsibilities for nursing home  
30 residents and expertise that can promote resident safety  
31 and well-being should share their expertise and knowledge

1 so that the goals of determining the causes of sexual  
2 assaults and unnecessary resident deaths, planning and  
3 providing services to surviving residents, and preventing  
4 future assaults and unnecessary deaths can be achieved.

5 (5) A greater understanding of the incidence and  
6 causes of sexual assaults against nursing home residents  
7 and unnecessary nursing home resident deaths is necessary  
8 if the State is to prevent future assaults and  
9 unnecessary deaths.

10 (6) Multi-disciplinary and multi-agency reviews of  
11 sexual assaults against nursing home residents and  
12 unnecessary nursing home resident deaths can assist the  
13 State and counties in (i) investigating resident sexual  
14 assaults and deaths, (ii) developing a greater  
15 understanding of the incidence and causes of resident  
16 sexual assault and deaths and the methods for preventing  
17 those assaults and deaths, and (iii) identifying gaps in  
18 services to nursing home residents.

19 (7) Access to information regarding assaulted and  
20 deceased nursing home residents by multi-disciplinary and  
21 multi-agency nursing home resident sexual assault and  
22 death review teams is necessary for those teams to  
23 achieve their purposes and duties.

24 Section 10. Definitions. As used in this Act, unless the  
25 context requires otherwise:

26 "Department" means the Department of Public Health.

27 "Director" means the Director of Public Health.

28 "Executive Council" means the Illinois Residential Health  
29 Care Facility Resident Sexual Assault and Death Review Teams  
30 Executive Council.

31 "Resident" means a person residing in and receiving  
32 personal care from a facility licensed under the Nursing Home  
33 Care Act.

1 "Review team" means a residential health care facility  
2 resident sexual assault and death review team appointed under  
3 this Act.

4 Section 15. Residential health care facility resident  
5 sexual assault and death review teams; establishment.

6 (a) The Director, in consultation with the Executive  
7 Council and with law enforcement agencies and other  
8 professionals who work in the field of investigating,  
9 treating, or preventing nursing home resident abuse or  
10 neglect in each of the Department's administrative regions of  
11 the State, shall appoint members to a residential health care  
12 facility resident sexual assault and death review team in  
13 each such region outside Cook County and to at least one  
14 review team in Cook County. The members of a team shall be  
15 appointed for 2-year terms and shall be eligible for  
16 reappointment upon the expiration of their terms.

17 (b) Each review team shall consist of at least one  
18 member from each of the following categories:

19 (1) Geriatrician or other physician knowledgeable  
20 about nursing home resident abuse and neglect.

21 (2) Representative of the Department.

22 (3) State's Attorney or State's Attorney's  
23 representative.

24 (4) Representative of a local law enforcement  
25 agency.

26 (5) Representative of the Illinois Attorney  
27 General.

28 (6) Psychologist or psychiatrist.

29 (7) Representative of a local health department.

30 (8) Representative of a social service or health  
31 care agency that provides services to persons with mental  
32 illness, in a program whose accreditation to provide such  
33 services is recognized by the Office of Mental Health

1 within the Department of Human Services.

2 (9) Representative of a social service or health  
3 care agency that provides services to persons with  
4 developmental disabilities, in a program whose  
5 accreditation to provide such services is recognized by  
6 the Office of Developmental Disabilities within the  
7 Department of Human Services.

8 (10) Coroner or forensic pathologist.

9 (11) Representative of the local sub-state  
10 ombudsman.

11 (12) Representative of a nursing home resident  
12 advocacy organization.

13 (13) Representative of a local hospital, trauma  
14 center, or provider of emergency medical services.

15 (14) Representative of an organization that  
16 represents nursing homes.

17 Each review team may make recommendations to the Director  
18 concerning additional appointments. Each review team member  
19 must have demonstrated experience and an interest in  
20 investigating, treating, or preventing nursing home resident  
21 abuse or neglect.

22 (c) Each review team shall select a chairperson from  
23 among its members. The chairperson shall also serve on the  
24 Illinois Residential Health Care Facility Sexual Assault and  
25 Death Review Teams Executive Council.

26 Section 20. Reviews of nursing home resident sexual  
27 assaults and deaths.

28 (a) Every reported case of sexual assault of a nursing  
29 home resident that is confirmed shall be reviewed by the  
30 review team for the region that has primary case management  
31 responsibility.

32 (b) Every death of a nursing home resident shall be  
33 reviewed by the review team for the region that has primary

1 case management responsibility, if the deceased resident is  
2 one of the following:

3 (1) A person whose care the Department found  
4 violated federal or State standards in the 6 months  
5 preceding the resident's death.

6 (2) A person whose care was the subject of a  
7 complaint to the Department in the 30 days preceding the  
8 resident's death, or after the resident's death. A review  
9 team may, at its discretion, review other sudden,  
10 unexpected, or unexplained nursing home resident deaths.

11 (b) A review team's purpose in conducting reviews of  
12 resident sexual assaults and deaths is to do the following:

13 (1) Assist in determining the cause and manner of  
14 the resident's assault or death, when requested.

15 (2) Evaluate means, if any, by which the assault or  
16 death might have been prevented.

17 (3) Report its findings to appropriate agencies and  
18 make recommendations that may help to reduce the number  
19 of sexual assaults on and unnecessary deaths of nursing  
20 home residents.

21 (4) Promote continuing education for professionals  
22 involved in investigating, treating, and preventing  
23 nursing home resident abuse and neglect as a means of  
24 preventing sexual assaults and unnecessary deaths of  
25 nursing home residents.

26 (5) Make specific recommendations to the Director  
27 concerning the prevention of sexual assaults and  
28 unnecessary deaths of nursing home residents and the  
29 establishment of protocols for investigating resident  
30 sexual assaults and deaths.

31 (c) A review team must review a sexual assault or death  
32 as soon as practicable and not later than 90 days following  
33 the completion by the Department of the investigation of the  
34 assault or death under the Nursing Home Care Act. When there

1 has been no investigation by the Department, the review team  
2 must review a sexual assault or death within 90 days after  
3 obtaining the information necessary to complete the review  
4 from the coroner, pathologist, medical examiner, or law  
5 enforcement agency, depending on the nature of the case. A  
6 review team must meet at least once in each calendar quarter.

7 (d) Within 90 days after receiving recommendations made  
8 by a review team under item (5) of subsection (b), the  
9 Director must review those recommendations and respond to the  
10 review team. The Director shall implement recommendations as  
11 feasible and appropriate and shall respond to the review team  
12 in writing to explain the implementation or nonimplementation  
13 of the recommendations.

14 (e) In any instance when a review team does not operate  
15 in accordance with established protocol, the Director, in  
16 consultation and cooperation with the Executive Council, must  
17 take any necessary actions to bring the review team into  
18 compliance with the protocol.

19 Section 25. Review team access to information.

20 (a) The Department shall provide to a review team, on  
21 the request of the review team chairperson, all records and  
22 information in the Department's possession that are relevant  
23 to the review team's review of a sexual assault or death,  
24 including records and information concerning previous reports  
25 or investigations of suspected abuse or neglect.

26 (b) A review team shall have access to all records and  
27 information that are relevant to its review of a sexual  
28 assault or death and in the possession of a State or local  
29 governmental agency. These records and information include,  
30 without limitation, death certificates, all relevant medical  
31 and mental health records, records of law enforcement agency  
32 investigations, records of coroner or medical examiner  
33 investigations, records of the Department of Corrections

1 concerning a person's parole, records of a probation and  
2 court services department, and records of a social services  
3 agency that provided services to the resident.

4 Section 30. Public access to information.

5 (a) Meetings of the review teams and the Executive  
6 Council shall be closed to the public. Meetings of the review  
7 teams and the Executive Council are not subject to the Open  
8 Meetings Act, as provided in that Act.

9 (b) Records and information provided to a review team  
10 and the Executive Council, and records maintained by a review  
11 team or the Executive Council, are confidential and not  
12 subject to the Freedom of Information Act, as provided in  
13 that Act. Nothing contained in this subsection (b) prevents  
14 the sharing or disclosure of records, other than those  
15 produced by a review team or the Executive Council, relating  
16 or pertaining to the sexual assault or death of a resident.

17 (c) Members of a review team and the Executive Council  
18 are not subject to examination, in any civil or criminal  
19 proceeding, concerning information presented to members of  
20 the review team or the Executive Council or opinions formed  
21 by members of the review team or the Executive Council based  
22 on that information. A person may, however, be examined  
23 concerning information provided to a review team or the  
24 Executive Council that is otherwise available to the public.

25 (d) Records and information produced by a review team  
26 and the Executive Council are not subject to discovery or  
27 subpoena and are not admissible as evidence in any civil or  
28 criminal proceeding. Those records and information are,  
29 however, subject to discovery or a subpoena, and are  
30 admissible as evidence, to the extent they are otherwise  
31 available to the public.

32 Section 35. Indemnification. The State shall indemnify

1 and hold harmless members of a review team and the Executive  
2 Council for all their acts, omissions, decisions, or other  
3 conduct arising out of the scope of their service on the  
4 review team or Executive Council, except those involving  
5 willful or wanton misconduct. The method of providing  
6 indemnification shall be as provided in the State Employee  
7 Indemnification Act.

8 Section 40. Executive Council.

9 (a) The Illinois Residential Health Care Facility  
10 Resident Sexual Assault and Death Review Teams Executive  
11 Council, consisting of the chairperson of each review team  
12 established under Section 15, is the coordinating and  
13 oversight body for residential health care facility resident  
14 sexual assault and death review teams and activities in  
15 Illinois. The vice-chairperson of a review team, as  
16 designated by the chairperson, may serve as a back-up member  
17 or an alternate member of the Executive Council, if the  
18 chairperson of the review team is unavailable to serve on the  
19 Executive Council. The Director may appoint to the Executive  
20 Council any ex-officio members deemed necessary. Persons with  
21 expertise needed by the Executive Council may be invited to  
22 meetings. The Executive Council must select from its members  
23 a chairperson and a vice-chairperson, each to serve a 2-year,  
24 renewable term. The Executive Council must meet at least 4  
25 times during each calendar year.

26 (b) The Department must provide or arrange for the staff  
27 support necessary for the Executive Council to carry out its  
28 duties.

29 (c) The Executive Council has, but is not limited to,  
30 the following duties:

31 (1) To serve as the voice of review teams in  
32 Illinois.

33 (2) To consult with the Director concerning the

1 appointment, reappointment, and removal of review team  
2 members.

3 (3) To oversee the review teams in order to ensure  
4 that the teams' work is coordinated and in compliance  
5 with the statutes and the operating protocol.

6 (4) To ensure that the data, results, findings, and  
7 recommendations of the review teams are adequately used  
8 to make any necessary changes in the policies,  
9 procedures, and statutes in order to protect nursing home  
10 residents in a timely manner.

11 (5) To collaborate with the General Assembly, the  
12 Department, and others in order to develop any  
13 legislation needed to prevent nursing home resident  
14 sexual assaults and unnecessary deaths and to protect  
15 nursing home residents.

16 (6) To assist in the development of quarterly and  
17 annual reports based on the work and the findings of the  
18 review teams.

19 (7) To ensure that the review teams' review  
20 processes are standardized in order to convey data,  
21 findings, and recommendations in a usable format.

22 (8) To serve as a link with other review teams  
23 throughout the country and to participate in national  
24 review team activities.

25 (9) To develop an annual statewide symposium to  
26 update the knowledge and skills of review team members  
27 and to promote the exchange of information between review  
28 teams.

29 (10) To provide the review teams with the most  
30 current information and practices concerning nursing home  
31 resident sexual assault and unnecessary death review and  
32 related topics.

33 (11) To perform any other functions necessary to  
34 enhance the capability of the review teams to reduce and

1 prevent sexual assaults and unnecessary deaths of nursing  
2 home residents.

3 Section 75. Relationship to other Acts. Nothing in this  
4 Act is intended to conflict with or duplicate provisions of  
5 other Acts or rules implementing other Acts.

6 Section 85. Repeal. This Act is repealed on July 1,  
7 2006.

8 Section 90. The Open Meetings Act is amended by changing  
9 Section 2 as follows:

10 (5 ILCS 120/2) (from Ch. 102, par. 42)

11 Sec. 2. Open meetings.

12 (a) Openness required. All meetings of public bodies  
13 shall be open to the public unless excepted in subsection (c)  
14 and closed in accordance with Section 2a.

15 (b) Construction of exceptions. The exceptions  
16 contained in subsection (c) are in derogation of the  
17 requirement that public bodies meet in the open, and  
18 therefore, the exceptions are to be strictly construed,  
19 extending only to subjects clearly within their scope. The  
20 exceptions authorize but do not require the holding of a  
21 closed meeting to discuss a subject included within an  
22 enumerated exception.

23 (c) Exceptions. A public body may hold closed meetings  
24 to consider the following subjects:

25 (1) The appointment, employment, compensation,  
26 discipline, performance, or dismissal of specific  
27 employees of the public body, including hearing testimony  
28 on a complaint lodged against an employee to determine  
29 its validity.

30 (2) Collective negotiating matters between the

1 public body and its employees or their representatives,  
2 or deliberations concerning salary schedules for one or  
3 more classes of employees.

4 (3) The selection of a person to fill a public  
5 office, as defined in this Act, including a vacancy in a  
6 public office, when the public body is given power to  
7 appoint under law or ordinance, or the discipline,  
8 performance or removal of the occupant of a public  
9 office, when the public body is given power to remove the  
10 occupant under law or ordinance.

11 (4) Evidence or testimony presented in open  
12 hearing, or in closed hearing where specifically  
13 authorized by law, to a quasi-adjudicative body, as  
14 defined in this Act, provided that the body prepares and  
15 makes available for public inspection a written decision  
16 setting forth its determinative reasoning.

17 (5) The purchase or lease of real property for the  
18 use of the public body, including meetings held for the  
19 purpose of discussing whether a particular parcel should  
20 be acquired.

21 (6) The setting of a price for sale or lease of  
22 property owned by the public body.

23 (7) The sale or purchase of securities,  
24 investments, or investment contracts.

25 (8) Security procedures and the use of personnel  
26 and equipment to respond to an actual, a threatened, or a  
27 reasonably potential danger to the safety of employees,  
28 students, staff or public property.

29 (9) Student disciplinary cases.

30 (10) The placement of individual students in  
31 special education programs and other matters relating to  
32 individual students.

33 (11) Litigation, when an action against, affecting  
34 or on behalf of the particular public body has been filed

1 and is pending before a court or administrative tribunal,  
2 or when the public body finds that an action is probable  
3 or imminent, in which case the basis for the finding  
4 shall be recorded and entered into the minutes of the  
5 closed meeting.

6 (12) The establishment of reserves or settlement of  
7 claims as provided in the Local Governmental and  
8 Governmental Employees Tort Immunity Act, if otherwise  
9 the disposition of a claim or potential claim might be  
10 prejudiced, or the review or discussion of claims, loss  
11 or risk management information, records, data, advice or  
12 communications from or with respect to any insurer of the  
13 public body or any intergovernmental risk management  
14 association or self insurance pool of which the public  
15 body is a member.

16 (13) Conciliation of complaints of discrimination  
17 in the sale or rental of housing, when closed meetings  
18 are authorized by the law or ordinance prescribing fair  
19 housing practices and creating a commission or  
20 administrative agency for their enforcement.

21 (14) Informant sources, the hiring or assignment of  
22 undercover personnel or equipment, or ongoing, prior or  
23 future criminal investigations, when discussed by a  
24 public body with criminal investigatory responsibilities.

25 (15) Professional ethics or performance when  
26 considered by an advisory body appointed to advise a  
27 licensing or regulatory agency on matters germane to the  
28 advisory body's field of competence.

29 (16) Self evaluation, practices and procedures or  
30 professional ethics, when meeting with a representative  
31 of a statewide association of which the public body is a  
32 member.

33 (17) The recruitment, credentialing, discipline or  
34 formal peer review of physicians or other health care

1 professionals for a hospital, or other institution  
2 providing medical care, that is operated by the public  
3 body.

4 (18) Deliberations for decisions of the Prisoner  
5 Review Board.

6 (19) Review or discussion of applications received  
7 under the Experimental Organ Transplantation Procedures  
8 Act.

9 (20) The classification and discussion of matters  
10 classified as confidential or continued confidential by  
11 the State Employees Suggestion Award Board.

12 (21) Discussion of minutes of meetings lawfully  
13 closed under this Act, whether for purposes of approval  
14 by the body of the minutes or semi-annual review of the  
15 minutes as mandated by Section 2.06.

16 (22) Deliberations for decisions of the State  
17 Emergency Medical Services Disciplinary Review Board.

18 (23) The operation by a municipality of a municipal  
19 utility or the operation of a municipal power agency or  
20 municipal natural gas agency when the discussion involves  
21 (i) contracts relating to the purchase, sale, or delivery  
22 of electricity or natural gas or (ii) the results or  
23 conclusions of load forecast studies.

24 (24) Meetings of a residential health care facility  
25 resident sexual assault and death review team or the  
26 Residential Health Care Facility Resident Sexual Assault  
27 and Death Review Teams Executive Council under the  
28 Residential Health Care Facility Resident Sexual Assault  
29 and Death Review Team Act.

30 (d) Definitions. For purposes of this Section:

31 "Employee" means a person employed by a public body whose  
32 relationship with the public body constitutes an  
33 employer-employee relationship under the usual common law  
34 rules, and who is not an independent contractor.

1 "Public office" means a position created by or under the  
2 Constitution or laws of this State, the occupant of which is  
3 charged with the exercise of some portion of the sovereign  
4 power of this State. The term "public office" shall include  
5 members of the public body, but it shall not include  
6 organizational positions filled by members thereof, whether  
7 established by law or by a public body itself, that exist to  
8 assist the body in the conduct of its business.

9 "Quasi-adjudicative body" means an administrative body  
10 charged by law or ordinance with the responsibility to  
11 conduct hearings, receive evidence or testimony and make  
12 determinations based thereon, but does not include local  
13 electoral boards when such bodies are considering petition  
14 challenges.

15 (e) Final action. No final action may be taken at a  
16 closed meeting. Final action shall be preceded by a public  
17 recital of the nature of the matter being considered and  
18 other information that will inform the public of the business  
19 being conducted.

20 (Source: P.A. 90-144, eff. 7-23-97; 91-730, eff. 1-1-01.)

21 Section 93. The Freedom of Information Act is amended by  
22 changing Section 7 as follows:

23 (5 ILCS 140/7) (from Ch. 116, par. 207)

24 Sec. 7. Exemptions.

25 (1) The following shall be exempt from inspection and  
26 copying:

27 (a) Information specifically prohibited from  
28 disclosure by federal or State law or rules and  
29 regulations adopted under federal or State law.

30 (b) Information that, if disclosed, would  
31 constitute a clearly unwarranted invasion of personal  
32 privacy, unless the disclosure is consented to in writing

1 by the individual subjects of the information. The  
2 disclosure of information that bears on the public duties  
3 of public employees and officials shall not be considered  
4 an invasion of personal privacy. Information exempted  
5 under this subsection (b) shall include but is not  
6 limited to:

7 (i) files and personal information maintained  
8 with respect to clients, patients, residents,  
9 students or other individuals receiving social,  
10 medical, educational, vocational, financial,  
11 supervisory or custodial care or services directly  
12 or indirectly from federal agencies or public  
13 bodies;

14 (ii) personnel files and personal information  
15 maintained with respect to employees, appointees or  
16 elected officials of any public body or applicants  
17 for those positions;

18 (iii) files and personal information  
19 maintained with respect to any applicant, registrant  
20 or licensee by any public body cooperating with or  
21 engaged in professional or occupational  
22 registration, licensure or discipline;

23 (iv) information required of any taxpayer in  
24 connection with the assessment or collection of any  
25 tax unless disclosure is otherwise required by State  
26 statute; and

27 (v) information revealing the identity of  
28 persons who file complaints with or provide  
29 information to administrative, investigative, law  
30 enforcement or penal agencies; provided, however,  
31 that identification of witnesses to traffic  
32 accidents, traffic accident reports, and rescue  
33 reports may be provided by agencies of local  
34 government, except in a case for which a criminal

1 investigation is ongoing, without constituting a  
2 clearly unwarranted per se invasion of personal  
3 privacy under this subsection.

4 (c) Records compiled by any public body for  
5 administrative enforcement proceedings and any law  
6 enforcement or correctional agency for law enforcement  
7 purposes or for internal matters of a public body, but  
8 only to the extent that disclosure would:

9 (i) interfere with pending or actually and  
10 reasonably contemplated law enforcement proceedings  
11 conducted by any law enforcement or correctional  
12 agency;

13 (ii) interfere with pending administrative  
14 enforcement proceedings conducted by any public  
15 body;

16 (iii) deprive a person of a fair trial or an  
17 impartial hearing;

18 (iv) unavoidably disclose the identity of a  
19 confidential source or confidential information  
20 furnished only by the confidential source;

21 (v) disclose unique or specialized  
22 investigative techniques other than those generally  
23 used and known or disclose internal documents of  
24 correctional agencies related to detection,  
25 observation or investigation of incidents of crime  
26 or misconduct;

27 (vi) constitute an invasion of personal  
28 privacy under subsection (b) of this Section;

29 (vii) endanger the life or physical safety of  
30 law enforcement personnel or any other person; or

31 (viii) obstruct an ongoing criminal  
32 investigation.

33 (d) Criminal history record information maintained  
34 by State or local criminal justice agencies, except the

1 following which shall be open for public inspection and  
2 copying:

3 (i) chronologically maintained arrest  
4 information, such as traditional arrest logs or  
5 blotters;

6 (ii) the name of a person in the custody of a  
7 law enforcement agency and the charges for which  
8 that person is being held;

9 (iii) court records that are public;

10 (iv) records that are otherwise available  
11 under State or local law; or

12 (v) records in which the requesting party is  
13 the individual identified, except as provided under  
14 part (vii) of paragraph (c) of subsection (1) of  
15 this Section.

16 "Criminal history record information" means data  
17 identifiable to an individual and consisting of  
18 descriptions or notations of arrests, detentions,  
19 indictments, informations, pre-trial proceedings, trials,  
20 or other formal events in the criminal justice system or  
21 descriptions or notations of criminal charges (including  
22 criminal violations of local municipal ordinances) and  
23 the nature of any disposition arising therefrom,  
24 including sentencing, court or correctional supervision,  
25 rehabilitation and release. The term does not apply to  
26 statistical records and reports in which individuals are  
27 not identified and from which their identities are not  
28 ascertainable, or to information that is for criminal  
29 investigative or intelligence purposes.

30 (e) Records that relate to or affect the security  
31 of correctional institutions and detention facilities.

32 (f) Preliminary drafts, notes, recommendations,  
33 memoranda and other records in which opinions are  
34 expressed, or policies or actions are formulated, except

1           that a specific record or relevant portion of a record  
2           shall not be exempt when the record is publicly cited and  
3           identified by the head of the public body. The exemption  
4           provided in this paragraph (f) extends to all those  
5           records of officers and agencies of the General Assembly  
6           that pertain to the preparation of legislative documents.

7           (g) Trade secrets and commercial or financial  
8           information obtained from a person or business where the  
9           trade secrets or information are proprietary, privileged  
10          or confidential, or where disclosure of the trade secrets  
11          or information may cause competitive harm, including all  
12          information determined to be confidential under Section  
13          4002 of the Technology Advancement and Development Act.  
14          Nothing contained in this paragraph (g) shall be  
15          construed to prevent a person or business from consenting  
16          to disclosure.

17          (h) Proposals and bids for any contract, grant, or  
18          agreement, including information which if it were  
19          disclosed would frustrate procurement or give an  
20          advantage to any person proposing to enter into a  
21          contractor agreement with the body, until an award or  
22          final selection is made. Information prepared by or for  
23          the body in preparation of a bid solicitation shall be  
24          exempt until an award or final selection is made.

25          (i) Valuable formulae, computer geographic systems,  
26          designs, drawings and research data obtained or produced  
27          by any public body when disclosure could reasonably be  
28          expected to produce private gain or public loss.

29          (j) Test questions, scoring keys and other  
30          examination data used to administer an academic  
31          examination or determined the qualifications of an  
32          applicant for a license or employment.

33          (k) Architects' plans and engineers' technical  
34          submissions for projects not constructed or developed in

1 whole or in part with public funds and for projects  
2 constructed or developed with public funds, to the extent  
3 that disclosure would compromise security.

4 (l) Library circulation and order records  
5 identifying library users with specific materials.

6 (m) Minutes of meetings of public bodies closed to  
7 the public as provided in the Open Meetings Act until the  
8 public body makes the minutes available to the public  
9 under Section 2.06 of the Open Meetings Act.

10 (n) Communications between a public body and an  
11 attorney or auditor representing the public body that  
12 would not be subject to discovery in litigation, and  
13 materials prepared or compiled by or for a public body in  
14 anticipation of a criminal, civil or administrative  
15 proceeding upon the request of an attorney advising the  
16 public body, and materials prepared or compiled with  
17 respect to internal audits of public bodies.

18 (o) Information received by a primary or secondary  
19 school, college or university under its procedures for  
20 the evaluation of faculty members by their academic  
21 peers.

22 (p) Administrative or technical information  
23 associated with automated data processing operations,  
24 including but not limited to software, operating  
25 protocols, computer program abstracts, file layouts,  
26 source listings, object modules, load modules, user  
27 guides, documentation pertaining to all logical and  
28 physical design of computerized systems, employee  
29 manuals, and any other information that, if disclosed,  
30 would jeopardize the security of the system or its data  
31 or the security of materials exempt under this Section.

32 (q) Documents or materials relating to collective  
33 negotiating matters between public bodies and their  
34 employees or representatives, except that any final

1 contract or agreement shall be subject to inspection and  
2 copying.

3 (r) Drafts, notes, recommendations and memoranda  
4 pertaining to the financing and marketing transactions of  
5 the public body. The records of ownership, registration,  
6 transfer, and exchange of municipal debt obligations, and  
7 of persons to whom payment with respect to these  
8 obligations is made.

9 (s) The records, documents and information relating  
10 to real estate purchase negotiations until those  
11 negotiations have been completed or otherwise terminated.  
12 With regard to a parcel involved in a pending or actually  
13 and reasonably contemplated eminent domain proceeding  
14 under Article VII of the Code of Civil Procedure,  
15 records, documents and information relating to that  
16 parcel shall be exempt except as may be allowed under  
17 discovery rules adopted by the Illinois Supreme Court.  
18 The records, documents and information relating to a real  
19 estate sale shall be exempt until a sale is consummated.

20 (t) Any and all proprietary information and records  
21 related to the operation of an intergovernmental risk  
22 management association or self-insurance pool or jointly  
23 self-administered health and accident cooperative or  
24 pool.

25 (u) Information concerning a university's  
26 adjudication of student or employee grievance or  
27 disciplinary cases, to the extent that disclosure would  
28 reveal the identity of the student or employee and  
29 information concerning any public body's adjudication of  
30 student or employee grievances or disciplinary cases,  
31 except for the final outcome of the cases.

32 (v) Course materials or research materials used by  
33 faculty members.

34 (w) Information related solely to the internal

1 personnel rules and practices of a public body.

2 (x) Information contained in or related to  
3 examination, operating, or condition reports prepared by,  
4 on behalf of, or for the use of a public body responsible  
5 for the regulation or supervision of financial  
6 institutions or insurance companies, unless disclosure is  
7 otherwise required by State law.

8 (y) Information the disclosure of which is  
9 restricted under Section 5-108 of the Public Utilities  
10 Act.

11 (z) Manuals or instruction to staff that relate to  
12 establishment or collection of liability for any State  
13 tax or that relate to investigations by a public body to  
14 determine violation of any criminal law.

15 (aa) Applications, related documents, and medical  
16 records received by the Experimental Organ  
17 Transplantation Procedures Board and any and all  
18 documents or other records prepared by the Experimental  
19 Organ Transplantation Procedures Board or its staff  
20 relating to applications it has received.

21 (bb) Insurance or self insurance (including any  
22 intergovernmental risk management association or self  
23 insurance pool) claims, loss or risk management  
24 information, records, data, advice or communications.

25 (cc) Information and records held by the Department  
26 of Public Health and its authorized representatives  
27 relating to known or suspected cases of sexually  
28 transmissible disease or any information the disclosure  
29 of which is restricted under the Illinois Sexually  
30 Transmissible Disease Control Act.

31 (dd) Information the disclosure of which is  
32 exempted under Section 30 of the Radon Industry Licensing  
33 Act.

34 (ee) Firm performance evaluations under Section 55

1 of the Architectural, Engineering, and Land Surveying  
2 Qualifications Based Selection Act.

3 (ff) Security portions of system safety program  
4 plans, investigation reports, surveys, schedules, lists,  
5 data, or information compiled, collected, or prepared by  
6 or for the Regional Transportation Authority under  
7 Section 2.11 of the Regional Transportation Authority Act  
8 or the St. Clair County Transit District under the  
9 Bi-State Transit Safety Act.

10 (gg) Information the disclosure of which is  
11 restricted and exempted under Section 50 of the Illinois  
12 Prepaid Tuition Act.

13 (hh) Information the disclosure of which is  
14 exempted under Section 80 of the State Gift Ban Act.

15 (ii) Beginning July 1, 1999, information that would  
16 disclose or might lead to the disclosure of secret or  
17 confidential information, codes, algorithms, programs, or  
18 private keys intended to be used to create electronic or  
19 digital signatures under the Electronic Commerce Security  
20 Act.

21 (jj) Information contained in a local emergency  
22 energy plan submitted to a municipality in accordance  
23 with a local emergency energy plan ordinance that is  
24 adopted under Section 11-21.5-5 of the Illinois Municipal  
25 Code.

26 (kk) Information and data concerning the  
27 distribution of surcharge moneys collected and remitted  
28 by wireless carriers under the Wireless Emergency  
29 Telephone Safety Act.

30 (ll) Records and information provided to a  
31 residential health care facility resident sexual assault  
32 and death review team or the Residential Health Care  
33 Facility Resident Sexual Assault and Death Review Teams  
34 Executive Council under the Residential Health Care

1           Facility Resident Sexual Assault and Death Review Team  
2           Act.

3           (2) This Section does not authorize withholding of  
4 information or limit the availability of records to the  
5 public, except as stated in this Section or otherwise  
6 provided in this Act.

7           (Source: P.A. 91-137, eff. 7-16-99; 91-357, eff. 7-29-99;  
8 91-660, eff. 12-22-99; 92-16, eff. 6-28-01; 92-241, eff.  
9 8-3-01; 92-281, eff. 8-7-01; 92-645, eff. 7-11-02; 92-651,  
10 eff. 7-11-02.)

11           Section 99. Effective date. This Act takes effect upon  
12 becoming law.